

Shelley Moore Capito

AMENDMENT NO. _____ Calendar No. _____

Purpose: To enhance United States civil nuclear leadership, support the licensing of advanced nuclear technologies, strengthen the domestic nuclear energy fuel cycle and supply chain, and improve the regulation of nuclear energy.

IN THE SENATE OF THE UNITED STATES—118th Cong., 1st Sess.

S. 2226**AMENDMENT N^o 0870**

By _____

Capito

To: _____

*S. 2226**82***Page(s)**

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CAPITO (for

herself and Mr. CARPER)

Viz:

- 1 At the appropriate place in title XXXI, insert the fol-
- 2 lowing:
- 3 **SEC. 31 ____ . ACCELERATING DEPLOYMENT OF**
- 4 **VERSATILE, ADVANCED NUCLEAR FOR**
- 5 **CLEAN ENERGY.**
- 6 (a) SHORT TITLE.—This section may be cited as the
- 7 “Accelerating Deployment of Versatile, Advanced Nuclear

1 for Clean Energy Act of 2023” or the “ADVANCE Act
2 of 2023”.

3 (b) DEFINITIONS.—In this section:

4 (1) ACCIDENT TOLERANT FUEL.—The term
5 “accident tolerant fuel” has the meaning given the
6 term in section 107(a) of the Nuclear Energy Inno-
7 vation and Modernization Act (Public Law 115–439;
8 132 Stat. 5577).

9 (2) ADMINISTRATOR.—The term “Adminis-
10 trator” means the Administrator of the Environ-
11 mental Protection Agency.

12 (3) ADVANCED NUCLEAR FUEL.—The term
13 “advanced nuclear fuel” means—

14 (A) advanced nuclear reactor fuel; and

15 (B) accident tolerant fuel.

16 (4) ADVANCED NUCLEAR REACTOR.—The term
17 “advanced nuclear reactor” has the meaning given
18 the term in section 3 of the Nuclear Energy Innova-
19 tion and Modernization Act (42 U.S.C. 2215 note;
20 Public Law 115–439).

21 (5) ADVANCED NUCLEAR REACTOR FUEL.—The
22 term “advanced nuclear reactor fuel” has the mean-
23 ing given the term in section 3 of the Nuclear En-
24 ergy Innovation and Modernization Act (42 U.S.C.
25 2215 note; Public Law 115–439).

1 (6) APPROPRIATE COMMITTEES OF
2 CONGRESS.—The term “appropriate committees of
3 Congress” means—

4 (Λ) the Committee on Environment and
5 Public Works of the Senate; and

6 (B) the Committee on Energy and Com-
7 merce of the House of Representatives.

8 (7) COMMISSION.—The term “Commission”
9 means the Nuclear Regulatory Commission.

10 (8) INSTITUTION OF HIGHER EDUCATION.—The
11 term “institution of higher education” has the
12 meaning given the term in section 101(a) of the
13 Higher Education Act of 1965 (20 U.S.C. 1001(a)).

14 (9) NATIONAL LABORATORY.—The term “Na-
15 tional Laboratory” has the meaning given the term
16 in section 2 of the Energy Policy Act of 2005 (42
17 U.S.C. 15801).

18 (c) INTERNATIONAL NUCLEAR REACTOR EXPORT
19 AND INNOVATION ACTIVITIES.—

20 (1) COORDINATION.—

21 (Λ) IN GENERAL.—The Commission
22 shall—

23 (i) coordinate all work of the Commis-
24 sion relating to—

1 (I) nuclear reactor import and
2 export licensing; and

3 (II) international regulatory co-
4 operation and assistance relating to
5 nuclear reactors, including with coun-
6 tries that are members of—

7 (aa) the Organisation for
8 Economic Co-operation and De-
9 velopment; or

10 (bb) the Nuclear Energy
11 Agency; and

12 (ii) support interagency and inter-
13 national coordination with respect to—

14 (I) the consideration of inter-
15 national technical standards to estab-
16 lish the licensing and regulatory basis
17 to assist the design, construction, and
18 operation of nuclear systems;

19 (II) efforts to help build com-
20 petent nuclear regulatory organiza-
21 tions and legal frameworks in coun-
22 tries seeking to develop nuclear power;
23 and

24 (III) exchange programs and
25 training provided, in coordination with

1 the Secretary of State, to other coun-
2 tries relating to nuclear regulation
3 and oversight to improve nuclear tech-
4 nology licensing, in accordance with
5 subparagraph (B).

6 (B) EXCHANGE PROGRAMS AND TRAIN-
7 ING.—With respect to the exchange programs
8 and training described in subparagraph
9 (A)(ii)(III), the Commission shall coordinate, as
10 applicable, with—

- 11 (i) the Secretary of Energy;
12 (ii) the Secretary of State;
13 (iii) National Laboratories;
14 (iv) the private sector; and
15 (v) institutions of higher education.

16 (2) AUTHORITY TO ESTABLISH BRANCH.—The
17 Commission may establish within the Office of Inter-
18 national Programs a branch, to be known as the
19 “International Nuclear Reactor Export and Innova-
20 tion Branch”, to carry out such international nu-
21 clear reactor export and innovation activities as the
22 Commission determines to be appropriate and within
23 the mission of the Commission.

24 (3) EXCLUSION OF INTERNATIONAL ACTIVITIES
25 FROM THE FEE BASE.—

1 (A) IN GENERAL.—Section 102 of the Nu-
2 clear Energy Innovation and Modernization Act
3 (42 U.S.C. 2215) is amended—

4 (i) in subsection (a), by adding at the
5 end the following:

6 “(4) INTERNATIONAL NUCLEAR REACTOR EX-
7 PORT AND INNOVATION ACTIVITIES.—The Commis-
8 sion shall identify in the annual budget justification
9 international nuclear reactor export and innovation
10 activities described in subsection (c)(1) of the AD-
11 VANCE Act of 2023.”; and

12 (ii) in subsection (b)(1)(B), by adding
13 at the end the following:

14 “(iv) Costs for international nuclear
15 reactor export and innovation activities de-
16 scribed in subsection (c)(1) of the AD-
17 VANCE Act of 2023.”.

18 (B) EFFECTIVE DATE.—The amendments
19 made by subparagraph (A) shall take effect on
20 October 1, 2024.

21 (4) COORDINATION.—The Commission shall co-
22 ordinate all international activities under this sub-
23 section with the Secretary of State and other appli-
24 cable agencies, as appropriate.

1 (5) SAVINGS CLAUSE.—Nothing in this sub-
2 section alters the authority of the Commission to li-
3 cense and regulate the civilian use of radioactive ma-
4 terials.

5 (d) DENIAL OF CERTAIN DOMESTIC LICENSES FOR
6 NATIONAL SECURITY PURPOSES.—

7 (1) DEFINITION OF COVERED FUEL.—In this
8 subsection, the term “covered fuel” means enriched
9 uranium that is fabricated into fuel assemblies for
10 nuclear reactors by an entity that—

11 (A) is owned or controlled by the Govern-
12 ment of the Russian Federation or the Govern-
13 ment of the People’s Republic of China; or

14 (B) is organized under the laws of, or oth-
15 erwise subject to the jurisdiction of, the Rus-
16 sian Federation or the People’s Republic of
17 China.

18 (2) PROHIBITION ON UNLICENSED POSSESSION
19 OR OWNERSHIP OF COVERED FUEL.—Unless specifi-
20 cally authorized by the Commission in a license
21 issued under section 53 of the Atomic Energy Act
22 of 1954 (42 U.S.C. 2073) and part 70 of title 10,
23 Code of Federal Regulations (or successor regula-
24 tions), no person subject to the jurisdiction of the
25 Commission may possess or own covered fuel.

1 (3) LICENSE TO POSSESS OR OWN COVERED
2 FUEL.—

3 (A) CONSULTATION REQUIRED PRIOR TO
4 ISSUANCE.—The Commission shall not issue a
5 license to possess or own covered fuel under
6 section 53 of the Atomic Energy Act of 1954
7 (42 U.S.C. 2073) and part 70 of title 10, Code
8 of Federal Regulations (or successor regula-
9 tions), unless the Commission has first con-
10 sulted with the Secretary of Energy and the
11 Secretary of State before issuing the license.

12 (B) PROHIBITION ON ISSUANCE OF LI-
13 CENSE.—

14 (i) IN GENERAL.—Subject to clause
15 (iii), a license to possess or own covered
16 fuel shall not be issued if the Secretary of
17 Energy and the Secretary of State make
18 the determination described in clause
19 (ii)(I)(aa).

20 (ii) DETERMINATION.—

21 (I) IN GENERAL.—The deter-
22 mination referred to in clause (i) is a
23 determination that possession or own-
24 ership, as applicable, of covered fuel—

1 (aa) poses a threat to the
2 national security of the United
3 States, including because of an
4 adverse impact on the physical
5 and economic security of the
6 United States; or

7 (bb) does not pose a threat
8 to the national security of the
9 United States.

10 (II) JOINT DETERMINATION.—A
11 determination described in subclause
12 (I) shall be jointly made by the Sec-
13 retary of Energy and the Secretary of
14 State.

15 (III) TIMELINE.—

16 (aa) NOTICE OF APPLICA-
17 TION.—Not later than 30 days
18 after the date on which the Com-
19 mission receives an application
20 for a license to possess or own
21 covered fuel, the Commission
22 shall notify the Secretary of En-
23 ergy and the Secretary of State
24 of the application.

1 (bb) DETERMINATION.—The
2 Secretary of Energy and the Sec-
3 retary of State shall have a pe-
4 riod of 180 days, beginning on
5 the date on which the Commis-
6 sion notifies the Secretary of En-
7 ergy and the Secretary of State
8 under item (aa) of an application
9 for a license to possess or own
10 covered fuel, in which to make
11 the determination described in
12 subclause (I).

13 (cc) COMMISSION NOTIFICA-
14 TION.—On making the deter-
15 mination described in subclause
16 (I), the Secretary of Energy and
17 the Secretary of State shall im-
18 mediately notify the Commission.

19 (dd) CONGRESSIONAL NOTI-
20 FICATION.—Not later than 30
21 days after the date on which the
22 Secretary of Energy and the Sec-
23 retary of State notify the Com-
24 mission under item (cc), the
25 Commission shall notify the ap-

1 appropriate committees of Con-
2 gress, the Committee on Foreign
3 Relations of the Senate, the
4 Committee on Energy and Nat-
5 ural Resources of the Senate,
6 and the Committee on Foreign
7 Affairs of the House of Rep-
8 resentatives of the determination.

9 (cc) PUBLIC NOTICE.—Not
10 later than 15 days after the date
11 on which the Commission notifies
12 Congress under item (dd) of a
13 determination made under sub-
14 clause (I), the Commission shall
15 make that determination publicly
16 available.

17 (iii) EFFECT OF NO DETERMINA-
18 TION.—The Commission shall not issue a
19 license if the Secretary of Energy and the
20 Secretary of State have not made a deter-
21 mination described in clause (ii).

22 (4) SAVINGS CLAUSE.—Nothing in this sub-
23 section alters any treaty or international agreement
24 in effect on the date of enactment of this Act or that

1 enters into force after the date of enactment of this
2 Act.

3 (c) EXPORT LICENSE REQUIREMENTS.—

4 (1) DEFINITION OF LOW-ENRICHED URA-
5 NIUM.—In this subsection, the term “low-enriched
6 uranium” means uranium enriched to less than 20
7 percent of the uranium-235 isotope.

8 (2) REQUIREMENT.—The Commission shall not
9 issue an export license for the transfer of any item
10 described in paragraph (4) to a country described in
11 paragraph (3) unless the Commission, in consulta-
12 tion with the Secretary of State and any other rel-
13 evant agencies, makes a determination that such
14 transfer will not be inimical to the common defense
15 and security of the United States.

16 (3) COUNTRIES DESCRIBED.—A country re-
17 ferred to in paragraph (2) is a country that—

18 (A) has not concluded and ratified an Ad-
19 ditional Protocol to its safeguards agreement
20 with the International Atomic Energy Agency;
21 or

22 (B) has not ratified or acceded to the
23 amendment to the Convention on the Physical
24 Protection of Nuclear Material, adopted at Vi-
25 enna October 26, 1979, and opened for signa-

ture at New York March 3, 1980 (TLAS 11080), described in the information circular of the International Atomic Energy Agency numbered INFCIRC/274/Rev.1/Mod.1 and dated May 9, 2016 (TLAS 16-508).

(4) ITEMS DESCRIBED.—An item referred to in paragraph (2) includes—

(A) unirradiated nuclear fuel containing special nuclear material (as defined in section 11 of the Atomic Energy Act of 1954 (42 U.S.C. 2014)), excluding low-enriched uranium;

(B) a nuclear reactor that uses nuclear fuel described in subparagraph (A); and

(C) any plant or component listed in Appendix I to part 110 of title 10, Code of Federal Regulations (or successor regulations), that is involved in—

(i) the reprocessing of irradiated nuclear reactor fuel elements;

(ii) the separation of plutonium; or

(iii) the separation of the uranium-233 isotope.

(5) NOTIFICATION.—If the Commission, in consultation with the Secretary of State and any other relevant agencies, makes a determination, in accord-

1 ance with applicable laws and regulations, under
2 paragraph (2) that the transfer of any item de-
3 scribed in paragraph (4) to a country described in
4 paragraph (3) will not be inimical to the common
5 defense and security of the United States, the Com-
6 mission shall notify the appropriate committees of
7 Congress, the Committee on Foreign Relations of
8 the Senate, the Committee on Energy and Natural
9 Resources of the Senate, and the Committee on For-
10 eign Affairs of the House of Representatives.

11 (f) FEES FOR ADVANCED NUCLEAR REACTOR APPLI-
12 CATION REVIEW.—

13 (1) DEFINITIONS.—Section 3 of the Nuclear
14 Energy Innovation and Modernization Act (42
15 U.S.C. 2215 note; Public Law 115-439) is amend-
16 ed—

17 (A) by redesignating paragraphs (2)
18 through (15) as paragraphs (3), (6), (7), (8),
19 (9), (10), (12), (15), (16), (17), (18), (19),
20 (20), and (21), respectively;

21 (B) by inserting after paragraph (1) the
22 following:

23 “(2) ADVANCED NUCLEAR REACTOR APPLI-
24 CANT.—The term ‘advanced nuclear reactor appli-
25 cant’ means an entity that has submitted to the

1 Commission an application to receive a license for an
2 advanced nuclear reactor under the Atomic Energy
3 Act of 1954 (42 U.S.C. 2011 et seq.).”;

4 (C) by inserting after paragraph (3) (as so
5 redesignated) the following:

6 “(4) ADVANCED NUCLEAR REACTOR PRE-APPLI-
7 CANT.—The term ‘advanced nuclear reactor pre-ap-
8 plicant’ means an entity that has submitted to the
9 Commission a licensing project plan for the purposes
10 of submitting a future application to receive a li-
11 cense for an advanced nuclear reactor under the
12 Atomic Energy Act of 1954 (42 U.S.C. 2011 et
13 seq.).

14 “(5) AGENCY SUPPORT.—The term ‘agency
15 support’ means the resources of the Commission
16 that are located in executive, administrative, and
17 other support offices of the Commission, as de-
18 scribed in the document of the Commission entitled
19 ‘FY 2023 Final Fee Rule Work Papers’ (or a suc-
20 cessor document).”;

21 (D) by inserting after paragraph (10) (as
22 so redesignated) the following:

23 “(11) HOURLY RATE FOR MISSION-DIRECT PRO-
24 GRAM SALARIES AND BENEFITS FOR THE NUCLEAR
25 REACTOR SAFETY PROGRAM.—The term ‘hourly rate

1 for mission-direct program salaries and benefits for
2 the Nuclear Reactor Safety Program' means the
3 quotient obtained by dividing—

4 “(A) the full-time equivalent rate (within
5 the meaning of the document of the Commis-
6 sion entitled ‘FY 2023 Final Fee Rule Work
7 Papers’ (or a successor document)) for mission-
8 direct program salaries and benefits for the Nu-
9 clear Reactor Safety Program (as determined
10 by the Commission) for a fiscal year; by

11 “(B) the productive hours assumption for
12 that fiscal year, determined in accordance with
13 the formula established in the document re-
14 ferred to in subparagraph (A) (or a successor
15 document).”; and

16 (E) by inserting after paragraph (12) (as
17 so redesignated) the following:

18 “(13) MISSION-DIRECT PROGRAM SALARIES
19 AND BENEFITS FOR THE NUCLEAR REACTOR SAFETY
20 PROGRAM.—The term ‘mission-direct program sala-
21 ries and benefits for the Nuclear Reactor Safety
22 Program’ means the resources of the Commission
23 that are allocated to the Nuclear Reactor Safety
24 Program (as determined by the Commission) to per-
25 form core work activities committed to fulfilling the

1 mission of the Commission, as described in the docu-
2 ment of the Commission entitled 'FY 2023 Final
3 Fee Rule Work Papers' (or a successor document).

4 “(14) MISSION-INDIRECT PROGRAM SUPPORT.—
5 The term ‘mission-indirect program support’ means
6 the resources of the Commission that support the
7 core mission-direct activities for the Nuclear Reactor
8 Safety Program of the Commission (as determined
9 by the Commission), as described in the document of
10 the Commission entitled ‘FY 2023 Final Fee Rule
11 Work Papers’ (or a successor document).”.

12 (2) EXCLUDED ACTIVITIES.—Section
13 102(b)(1)(B) of the Nuclear Energy Innovation and
14 Modernization Act (42 U.S.C. 2215(b)(1)(B)) (as
15 amended by subsection (c)(3)(A)(ii)) is amended by
16 adding at the end the following:

17 “(v) The total costs of mission-indi-
18 rect program support and agency support
19 that, under paragraph (2)(B), may not be
20 included in the hourly rate charged for fees
21 assessed to advanced nuclear reactor appli-
22 cants.

23 “(vi) The total costs of mission-indi-
24 rect program support and agency support
25 that, under paragraph (2)(C), may not be

1 included in the hourly rate charged for fees
2 assessed to advanced nuclear reactor pre-
3 applicants.”.

4 (3) FEES FOR SERVICE OR THING OF VALUE.—
5 Section 102(b) of the Nuclear Energy Innovation
6 and Modernization Act (42 U.S.C. 2215(b)) is
7 amended by striking paragraph (2) and inserting the
8 following:

9 “(2) FEES FOR SERVICE OR THING OF
10 VALUE.—

11 “(A) IN GENERAL.—In accordance with
12 section 9701 of title 31, United States Code,
13 the Commission shall assess and collect fees
14 from any person who receives a service or thing
15 of value from the Commission to cover the costs
16 to the Commission of providing the service or
17 thing of value.

18 “(B) ADVANCED NUCLEAR REACTOR AP-
19 PPLICANTS.—The hourly rate charged for fees
20 assessed to advanced nuclear reactor applicants
21 under this paragraph relating to the review of
22 a submitted application described in section
23 3(1) shall not exceed the hourly rate for mis-
24 sion-direct program salaries and benefits for the
25 Nuclear Reactor Safety Program.

1 “(C) ADVANCED NUCLEAR REACTOR PRE-
2 APPLICANTS.—The hourly rate charged for fees
3 assessed to advanced nuclear reactor pre-appli-
4 cants under this paragraph relating to the re-
5 view of submitted materials as described in the
6 licensing project plan of an advanced nuclear
7 reactor pre-applicant shall not exceed the hour-
8 ly rate for mission-direct program salaries and
9 benefits for the Nuclear Reactor Safety Pro-
10 gram.”.

11 (4) SUNSET.—Section 102 of the Nuclear En-
12 ergy Innovation and Modernization Act (42 U.S.C.
13 2215) is amended by adding at the end the fol-
14 lowing:

15 “(g) CESSATION OF EFFECTIVENESS.—Paragraphs
16 (1)(B)(vi) and (2)(C) of subsection (b) shall cease to be
17 effective on September 30, 2029.”.

18 (5) EFFECTIVE DATE.—The amendments made
19 by this subsection shall take effect on October 1,
20 2024.

21 (g) ADVANCED NUCLEAR REACTOR PRIZES.—Sec-
22 tion 103 of the Nuclear Energy Innovation and Mod-
23 ernization Act (Public Law 115–439; 132 Stat. 5571) is
24 amended by adding at the end the following:

1 “(f) PRIZES FOR ADVANCED NUCLEAR REACTOR LI-
2 CENSING.—

3 “(1) DEFINITION OF ELIGIBLE ENTITY.—In
4 this subsection, the term ‘eligible entity’ means—

5 “(A) a non-Federal entity; and

6 “(B) the Tennessee Valley Authority.

7 “(2) PRIZE FOR ADVANCED NUCLEAR REACTOR
8 LICENSING.—

9 “(A) IN GENERAL.—Notwithstanding sec-
10 tion 169 of the Atomic Energy Act of 1954 (42
11 U.S.C. 2209) and subject to the availability of
12 appropriations, the Secretary is authorized to
13 make, with respect to each award category de-
14 scribed in subparagraph (C), an award in an
15 amount described in subparagraph (B) to the
16 first eligible entity—

17 “(i) to which the Commission issues
18 an operating license for an advanced nu-
19 clear reactor under part 50 of title 10,
20 Code of Federal Regulations (or successor
21 regulations), for which an application has
22 not been approved by the Commission as
23 of the date of enactment of this subsection;
24 or

1 “(ii) for which the Commission makes
2 a finding described in section 52.103(g) of
3 title 10, Code of Federal Regulations (or
4 successor regulations), with respect to a
5 combined license for an advanced nuclear
6 reactor—

7 “(I) that is issued under subpart
8 C of part 52 of that title (or successor
9 regulations); and

10 “(II) for which an application
11 has not been approved by the Com-
12 mission as of the date of enactment of
13 this subsection.

14 “(B) AMOUNT OF AWARD.—An award
15 under subparagraph (A) shall be in an amount
16 equal to the total amount assessed by the Com-
17 mission and collected under section 102(b)(2)
18 from the eligible entity receiving the award for
19 costs relating to the issuance of the license de-
20 scribed in that subparagraph, including, as ap-
21 plicable, costs relating to the issuance of an as-
22 sociated construction permit described in sec-
23 tion 50.23 of title 10, Code of Federal Regula-
24 tions (or successor regulations), or early site

1 permit (as defined in section 52.1 of that title
2 (or successor regulations)).

3 “(C) AWARD CATEGORIES.—An award
4 under subparagraph (A) may be made for—

5 “(i) the first advanced nuclear reactor
6 for which the Commission—

7 “(I) issues a license in accord-
8 ance with clause (i) of subparagraph
9 (A); or

10 “(II) makes a finding in accord-
11 ance with clause (ii) of that subpara-
12 graph;

13 “(ii) an advanced nuclear reactor
14 that—

15 “(I) uses isotopes derived from
16 spent nuclear fuel (as defined in sec-
17 tion 2 of the Nuclear Waste Policy
18 Act of 1982 (42 U.S.C. 10101)) or
19 depleted uranium as fuel for the ad-
20 vanced nuclear reactor; and

21 “(II) is the first advanced nu-
22 clear reactor described in subclause
23 (I) for which the Commission—

1 “(aa) issues a license in ac-
2 cordance with clause (i) of sub-
3 paragraph (A); or

4 “(bb) makes a finding in ac-
5 cordance with clause (ii) of that
6 subparagraph;

7 “(iii) an advanced nuclear reactor
8 that—

9 “(I) is a nuclear integrated en-
10 ergy system—

11 “(aa) that is composed of 2
12 or more co-located or jointly op-
13 erated subsystems of energy gen-
14 eration, energy storage, or other
15 technologies;

16 “(bb) in which not fewer
17 than 1 subsystem described in
18 item (aa) is a nuclear energy sys-
19 tem; and

20 “(cc) the purpose of which
21 is—

22 “(AA) to reduce green-
23 house gas emissions in both
24 the power and nonpower sec-
25 tors; and

1 “(BB) to maximize en-
2 ergy production and effi-
3 ciency; and

4 “(II) is the first advanced nu-
5 clear reactor described in subclause
6 (I) for which the Commission—

7 “(aa) issues a license in ac-
8 cordance with clause (i) of sub-
9 paragraph (A); or

10 “(bb) makes a finding in ac-
11 cordance with clause (ii) of that
12 subparagraph;

13 “(iv) an advanced reactor that—

14 “(I) operates flexibly to generate
15 electricity or high temperature process
16 heat for nonelectric applications; and

17 “(II) is the first advanced nu-
18 clear reactor described in subclause
19 (I) for which the Commission—

20 “(aa) issues a license in ac-
21 cordance with clause (i) of sub-
22 paragraph (A); or

23 “(bb) makes a finding in ac-
24 cordance with clause (ii) of that
25 subparagraph; and

1 “(v) the first advanced nuclear reactor
2 for which the Commission grants approval
3 to load nuclear fuel pursuant to the tech-
4 nology-inclusive regulatory framework es-
5 tablished under subsection (a)(4).

6 “(3) FEDERAL FUNDING LIMITATIONS.—

7 “(A) EXCLUSION OF TVA FUNDS.—In this
8 paragraph, the term ‘Federal funds’ does not
9 include funds received under the power program
10 of the Tennessee Valley Authority.

11 “(B) LIMITATION ON AMOUNTS EX-
12 PENDED.—An award under this subsection
13 shall not exceed the total amount expended (ex-
14 cluding any expenditures made with Federal
15 funds received for the applicable project and an
16 amount equal to the minimum cost-share re-
17 quired under section 988 of the Energy Policy
18 Act of 2005 (42 U.S.C. 16352)) by the eligible
19 entity receiving the award for licensing costs re-
20 lating to the project for which the award is
21 made.

22 “(C) REPAYMENT AND DIVIDENDS NOT
23 REQUIRED.—Notwithstanding section
24 9104(a)(4) of title 31, United States Code, or
25 any other provision of law, an eligible entity

1 that receives an award under this subsection
2 shall not be required—

3 “(i) to repay that award or any part
4 of that award; or

5 “(ii) to pay a dividend, interest, or
6 other similar payment based on the sum of
7 that award.”.

8 (h) REPORT ON UNIQUE LICENSING CONSIDER-
9 ATIONS RELATING TO THE USE OF NUCLEAR ENERGY
10 FOR NONELECTRIC APPLICATIONS.—

11 (1) IN GENERAL.—Not later than 270 days
12 after the date of enactment of this Act, the Commis-
13 sion shall submit to the appropriate committees of
14 Congress a report (referred to in this subsection as
15 the “report”) addressing any unique licensing issues
16 or requirements relating to—

17 (A) the flexible operation of nuclear reac-
18 tors, such as ramping power output and switch-
19 ing between electricity generation and nonelec-
20 tric applications;

21 (B) the use of advanced nuclear reactors
22 exclusively for nonelectric applications; and

23 (C) the colocation of nuclear reactors with
24 industrial plants or other facilities.

1 (2) STAKEHOLDER INPUT.—In developing the
2 report, the Commission shall seek input from—

3 (A) the Secretary of Energy;

4 (B) the nuclear energy industry;

5 (C) technology developers;

6 (D) the industrial, chemical, and medical
7 sectors;

8 (E) nongovernmental organizations; and

9 (F) other public stakeholders.

10 (3) CONTENTS.—

11 (A) IN GENERAL.—The report shall de-
12 scribe—

13 (i) any unique licensing issues or re-
14 quirements relating to the matters de-
15 scribed in subparagraphs (A) through (C)
16 of paragraph (1), including, with respect to
17 the nonelectric applications referred to in
18 subparagraphs (A) and (B) of that para-
19 graph, any licensing issues or requirements
20 relating to the use of nuclear energy in—

21 (I) hydrogen or other liquid and
22 gaseous fuel or chemical production;

23 (II) water desalination and
24 wastewater treatment;

1 (III) heat for industrial proc-
2 esses;

3 (IV) district heating;

4 (V) energy storage;

5 (VI) industrial or medical isotope
6 production; and

7 (VII) other applications, as iden-
8 tified by the Commission;

9 (ii) options for addressing those issues
10 or requirements—

11 (I) within the existing regulatory
12 framework of the Commission;

13 (II) as part of the technology-in-
14 clusive regulatory framework required
15 under subsection (a)(4) of section 103
16 of the Nuclear Energy Innovation and
17 Modernization Act (42 U.S.C. 2133
18 note; Public Law 115-439) or de-
19 scribed in the report required under
20 subsection (c) of that section (Public
21 Law 115-439; 132 Stat. 5575); or

22 (III) through a new rulemaking;
23 and

1 (iii) the extent to which Commission
2 action is needed to implement any matter
3 described in the report.

4 (B) COST ESTIMATES, BUDGETS, AND
5 TIMEFRAMES.—The report shall include cost es-
6 timates, proposed budgets, and proposed time-
7 frames for implementing risk-informed and per-
8 formance-based regulatory guidance in the li-
9 censing of nuclear reactors for nonelectric appli-
10 cations.

11 (i) ENABLING PREPARATIONS FOR THE DEMONSTRA-
12 TION OF ADVANCED NUCLEAR REACTORS ON DEPART-
13 MENT OF ENERGY SITES OR CRITICAL NATIONAL SECU-
14 RITY INFRASTRUCTURE SITES.—

15 (1) IN GENERAL.—Section 102(b)(1)(B) of the
16 Nuclear Energy Innovation and Modernization Act
17 (42 U.S.C. 2215(b)(1)(B)) (as amended by sub-
18 section (f)(2)) is amended by adding at the end the
19 following:

20 “(vii) Costs for—

21 “(I) activities to review and ap-
22 prove or disapprove an application for
23 an early site permit (as defined in sec-
24 tion 52.1 of title 10, Code of Federal
25 Regulations (or a successor regula-

tion)) to demonstrate an advanced nuclear reactor on a Department of Energy site or critical national security infrastructure (as defined in section 327(d) of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (Public Law 115–232; 132 Stat. 1722)) site; and

“(II) pre-application activities relating to an early site permit (as defined in section 52.1 of title 10, Code of Federal Regulations (or a successor regulation)) to demonstrate an advanced nuclear reactor on a Department of Energy site or critical national security infrastructure (as defined in section 327(d) of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (Public Law 115–232; 132 Stat. 1722)) site.”.

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall take effect on October 1, 2024.

1 (j) CLARIFICATION ON FUSION REGULATION.—Sec-
2 tion 103(a)(4) of the Nuclear Energy Innovation and
3 Modernization Act (42 U.S.C. 2133 note; Public Law
4 115–439) is amended—

5 (1) by striking “Not later” and inserting the
6 following:

7 “(A) IN GENERAL.—Not later”; and

8 (2) by adding at the end the following:

9 “(B) EXCLUSION OF FUSION REACTORS.—
10 For purposes of subparagraph (A), the term
11 ‘advanced reactor applicant’ does not include an
12 applicant seeking a license for a fusion reac-
13 tor.”.

14 (k) REGULATORY ISSUES FOR NUCLEAR FACILITIES
15 AT BROWNFIELD SITES.—

16 (1) DEFINITIONS.—

17 (A) BROWNFIELD SITE.—The term
18 “brownfield site” has the meaning given the
19 term in section 101 of the Comprehensive Envi-
20 ronmental Response, Compensation, and Liabil-
21 ity Act of 1980 (42 U.S.C. 9601).

22 (B) PRODUCTION FACILITY.—The term
23 “production facility” has the meaning given the
24 term in section 11 of the Atomic Energy Act of
25 1954 (42 U.S.C. 2014).

1 (C) RETIRED FOSSIL FUEL SITE.—The
2 term “retired fossil fuel site” means the site of
3 1 or more fossil fuel electric generation facilities
4 that are retired or scheduled to retire, including
5 multi-unit facilities that are partially shut
6 down.

7 (D) UTILIZATION FACILITY.—The term
8 “utilization facility” has the meaning given the
9 term in section 11 of the Atomic Energy Act of
10 1954 (42 U.S.C. 2014).

11 (2) IDENTIFICATION OF REGULATORY
12 ISSUES.—

13 (A) IN GENERAL.—Not later than 1 year
14 after the date of enactment of this Act, the
15 Commission shall evaluate the extent to which
16 modification of regulations, guidance, or policy
17 is needed to enable timely licensing reviews for,
18 and to support the oversight of, production fa-
19 cilities or utilization facilities at brownfield
20 sites.

21 (B) REQUIREMENT.—In carrying out sub-
22 paragraph (A), the Commission shall consider
23 how licensing reviews for production facilities or
24 utilization facilities at brownfield sites may be
25 expedited by considering matters relating to

1 siting and operating a production facility or a
2 utilization facility at or near a retired fossil fuel
3 site to support—

4 (i) the reuse of existing site infra-
5 structure, including—

6 (I) electric switchyard compo-
7 nents and transmission infrastructure;

8 (II) heat-sink components;

9 (III) steam cycle components;

10 (IV) roads;

11 (V) railroad access; and

12 (VI) water availability;

13 (ii) the use of early site permits;

14 (iii) the utilization of plant parameter
15 envelopes or similar standardized site pa-
16 rameters on a portion of a larger site; and

17 (iv) the use of a standardized applica-
18 tion for similar sites.

19 (C) REPORT.—Not later than 14 months
20 after the date of enactment of this Act, the
21 Commission shall submit to the appropriate
22 committees of Congress a report describing any
23 regulations, guidance, and policies identified
24 under subparagraph (A).

25 (3) LICENSING.—

1 (A) IN GENERAL.—Not later than 2 years
2 after the date of enactment of this Act, the
3 Commission shall—

4 (i) develop and implement strategies
5 to enable timely licensing reviews for, and
6 to support the oversight of, production fa-
7 cilities or utilization facilities at brownfield
8 sites, including retired fossil fuel sites; or

9 (ii) initiate a rulemaking to enable
10 timely licensing reviews for, and to support
11 the oversight of, of production facilities or
12 utilization facilities at brownfield sites, in-
13 cluding retired fossil fuel sites.

14 (B) REQUIREMENTS.—In carrying out sub-
15 paragraph (A), consistent with the mission of
16 the Commission, the Commission shall consider
17 matters relating to—

18 (i) the use of existing site infrastruc-
19 ture;

20 (ii) existing emergency preparedness
21 organizations and planning;

22 (iii) the availability of historical site-
23 specific environmental data;

24 (iv) previously approved environ-
25 mental reviews required by the National

1 Environmental Policy Act of 1969 (42
2 U.S.C. 4321 et seq.);

3 (v) activities associated with the po-
4 tential decommissioning of facilities or de-
5 contamination and remediation at
6 brownfield sites; and

7 (vi) community engagement and his-
8 torical experience with energy production.

9 (4) REPORT.—Not later than 3 years after the
10 date of enactment of this Act, the Commission shall
11 submit to the appropriate committees of Congress a
12 report describing the actions taken by the Commis-
13 sion under paragraph (3).

14 (I) APPALACHIAN REGIONAL COMMISSION NUCLEAR
15 ENERGY DEVELOPMENT.—

16 (1) IN GENERAL.—Subchapter I of chapter 145
17 of subtitle IV of title 40, United States Code, is
18 amended by adding at the end the following:

19 **“§ 14512. Appalachian Regional Commission nuclear**
20 **energy development**

21 “(a) DEFINITIONS.—In this section:

22 “(1) BROWNFIELD SITE.—The term ‘brownfield
23 site’ has the meaning given the term in section 101
24 of the Comprehensive Environmental Response,

1 Compensation, and Liability Act of 1980 (42 U.S.C.
2 9601).

3 “(2) PRODUCTION FACILITY.—The term ‘pro-
4 duction facility’ has the meaning given the term in
5 section 11 of the Atomic Energy Act of 1954 (42
6 U.S.C. 2014).

7 “(3) RETIRED FOSSIL FUEL SITE.—The term
8 ‘retired fossil fuel site’ means the site of 1 or more
9 fossil fuel electric generation facilities that are re-
10 tired or scheduled to retire, including multi-unit fa-
11 cilities that are partially shut down.

12 “(4) UTILIZATION FACILITY.—The term ‘utili-
13 zation facility’ has the meaning given the term in
14 section 11 of the Atomic Energy Act of 1954 (42
15 U.S.C. 2014).

16 “(b) AUTHORITY.—The Appalachian Regional Com-
17 mission may provide technical assistance to, make grants
18 to, enter into contracts with, or otherwise provide amounts
19 to individuals or entities in the Appalachian region for
20 projects and activities—

21 “(1) to conduct research and analysis regarding
22 the economic impact of siting, constructing, and op-
23 erating a production facility or a utilization facility
24 at a brownfield site, including a retired fossil fuel
25 site;

1 “(2) to assist with workforce training or re-
2 training to perform activities relating to the siting
3 and operation of a production facility or a utilization
4 facility at a brownfield site, including a retired fossil
5 fuel site; and

6 “(3) to engage with the Nuclear Regulatory
7 Commission, the Department of Energy, and other
8 Federal agencies with expertise in civil nuclear en-
9 ergy.

10 “(c) LIMITATION ON AVAILABLE AMOUNTS.—Of the
11 cost of any project or activity eligible for a grant under
12 this section—

13 “(1) except as provided in paragraphs (2) and
14 (3), not more than 50 percent may be provided from
15 amounts made available to carry out this section;

16 “(2) in the case of a project or activity to be
17 carried out in a county for which a distressed county
18 designation is in effect under section 14526, not
19 more than 80 percent may be provided from
20 amounts made available to carry out this section;
21 and

22 “(3) in the case of a project or activity to be
23 carried out in a county for which an at-risk county
24 designation is in effect under section 14526, not

1 more than 70 percent may be provided from
2 amounts made available to carry out this section.

3 “(d) SOURCES OF ASSISTANCE.—Subject to sub-
4 section (c), a grant provided under this section may be
5 provided from amounts made available to carry out this
6 section, in combination with amounts made available—

7 “(1) under any other Federal program; or

8 “(2) from any other source.

9 “(c) FEDERAL SHARE.—Notwithstanding any provi-
10 sion of law limiting the Federal share under any other
11 Federal program, amounts made available to carry out
12 this section may be used to increase that Federal share,
13 as the Appalachian Regional Commission determines to be
14 appropriate.”.

15 (2) AUTHORIZATION OF APPROPRIATIONS.—

16 Section 14703 of title 40, United States Code, is
17 amended—

18 (A) by redesignating subsections (e) and
19 (f) as subsections (f) and (g), respectively; and

20 (B) by inserting after subsection (d) the
21 following:

22 “(e) APPALACHIAN REGIONAL COMMISSION NU-
23 CLEAR ENERGY DEVELOPMENT.—Of the amounts made
24 available under subsection (a), \$5,000,000 may be used

1 to carry out section 14512 for each of fiscal years 2023
2 through 2026.”.

3 (3) CLERICAL AMENDMENT.—The analysis for
4 subchapter I of chapter 145 of subtitle IV of title
5 40, United States Code, is amended by striking the
6 item relating to section 14511 and inserting the fol-
7 lowing:

“14511. Appalachian regional energy hub initiative.

“14512. Appalachian Regional Commission nuclear energy development.”.

8 (m) FOREIGN OWNERSHIP.—

9 (1) IN GENERAL.—The prohibitions against
10 issuing certain licenses for utilization facilities to
11 certain corporations and other entities described in
12 the second sentence of section 103 d. of the Atomic
13 Energy Act of 1954 (42 U.S.C. 2133(d)) and the
14 second sentence of section 104 d. of that Act (42
15 U.S.C. 2134(d)) shall not apply to an entity de-
16 scribed in paragraph (2) if the Commission deter-
17 mines that issuance of the applicable license to that
18 entity is not inimical to—

19 (A) the common defense and security; or

20 (B) the health and safety of the public.

21 (2) ENTITIES DESCRIBED.—

22 (A) IN GENERAL.—An entity referred to in
23 paragraph (1) is a corporation or other entity
24 that is owned, controlled, or dominated by—

1 (i) the government of—

2 (I) a country that is a member of
3 the Organisation for Economic Co-op-
4 eration and Development on the date
5 of enactment of this Act, subject to
6 subparagraph (B); or

7 (II) the Republic of India;

8 (ii) a corporation that is incorporated
9 in a country described in subclause (I) or
10 (II) of clause (i); or

11 (iii) an alien who is a national of a
12 country described in subclause (I) or (II)
13 of clause (i).

14 (B) EXCLUSION.—An entity described in
15 subparagraph (A)(i)(I) is not an entity referred
16 to in paragraph (1), and paragraph (1) shall
17 not apply to that entity, if, on the date of en-
18 actment of this Act—

19 (i) the entity (or any department,
20 agency, or instrumentality of the entity) is
21 a person subject to sanctions under section
22 231 of the Countering America's Adver-
23 saries Through Sanctions Act (22 U.S.C.
24 9525); or

1 (ii) any citizen of the entity, or any
2 entity organized under the laws of, or oth-
3 erwise subject to the jurisdiction of, the
4 entity, is a person subject to sanctions
5 under that section.

6 (3) TECHNICAL AMENDMENT.—Section 103 d.
7 of the Atomic Energy Act of 1954 (42 U.S.C.
8 2133(d)) is amended, in the second sentence, by
9 striking “any any” and inserting “any”.

10 (4) SAVINGS CLAUSE.—Nothing in this sub-
11 section affects the requirements of section 721 of
12 the Defense Production Act of 1950 (50 U.S.C.
13 4565).

14 (n) EXTENSION OF THE PRICE-ANDERSON ACT.—

15 (1) EXTENSION.—Section 170 of the Atomic
16 Energy Act of 1954 (42 U.S.C. 2210) (commonly
17 known as the “Price-Anderson Act”) is amended by
18 striking “December 31, 2025” each place it appears
19 and inserting “December 31, 2045”.

20 (2) LIABILITY.—Section 170 of the Atomic En-
21 ergy Act of 1954 (42 U.S.C. 2210) (commonly
22 known as the “Price-Anderson Act”) is amended—

23 (A) in subsection d. (5), by striking
24 “\$500,000,000” and inserting
25 “\$2,000,000,000”; and

1 (B) in subsection e. (4), by striking
2 "\$500,000,000" and inserting
3 "\$2,000,000,000".

4 (3) REPORT.—Section 170 p. of the Atomic
5 Energy Act of 1954 (42 U.S.C. 2210(p)) (commonly
6 known as the "Price-Anderson Act") is amended by
7 striking "December 31, 2021" and inserting "De-
8 cember 31, 2041".

9 (4) DEFINITION OF NUCLEAR INCIDENT.—Sec-
10 tion 11 q. of the Atomic Energy Act of 1954 (42
11 U.S.C. 2014(q)) is amended, in the second proviso,
12 by striking "if such occurrence" and all that follows
13 through "United States:" and inserting a colon.

14 (o) REPORT ON ADVANCED METHODS OF MANUFAC-
15 TURING AND CONSTRUCTION FOR NUCLEAR ENERGY AP-
16 PPLICATIONS.—

17 (1) IN GENERAL.—Not later than 180 days
18 after the date of enactment of this Act, the Commis-
19 sion shall submit to the appropriate committees of
20 Congress a report (referred to in this subsection as
21 the "report") on manufacturing and construction for
22 nuclear energy applications.

23 (2) STAKEHOLDER INPUT.—In developing the
24 report, the Commission shall seek input from—

25 (A) the Secretary of Energy;

- 1 (B) the nuclear energy industry;
- 2 (C) National Laboratories;
- 3 (D) institutions of higher education;
- 4 (E) nuclear and manufacturing technology
- 5 developers;
- 6 (F) the manufacturing and construction
- 7 industries, including manufacturing and con-
- 8 struction companies with operating facilities in
- 9 the United States;
- 10 (G) standards development organizations;
- 11 (H) labor unions;
- 12 (I) nongovernmental organizations; and
- 13 (J) other public stakeholders.

14 (3) CONTENTS.—

- 15 (A) IN GENERAL.—The report shall—
- 16 (i) examine any unique licensing
 - 17 issues or requirements relating to the use
 - 18 of innovative—
 - 19 (I) advanced manufacturing proc-
 - 20 esses;
 - 21 (II) advanced construction tech-
 - 22 niques; and
 - 23 (III) rapid improvement or
 - 24 iterative innovation processes;
 - 25 (ii) examine—

1 (I) the requirements for nuclear-
2 grade components in manufacturing
3 and construction for nuclear energy
4 applications;

5 (II) opportunities to use standard
6 materials, parts, or components in
7 manufacturing and construction for
8 nuclear energy applications;

9 (III) opportunities to use stand-
10 ard materials that are in compliance
11 with existing codes to provide accept-
12 able approaches to support or encap-
13 sulate new materials that do not yet
14 have applicable codes; and

15 (IV) requirements relating to the
16 transport of a fueled advanced nuclear
17 reactor core from a manufacturing li-
18 censee to a licensee that holds a li-
19 cense to construct and operate a facil-
20 ity at a particular site;

21 (iii) identify any safety aspects of in-
22 novative advanced manufacturing processes
23 and advanced construction techniques that
24 are not addressed by existing codes and

1 standards, so that generic guidance may be
2 updated or created, as necessary;

3 (iv) identify options for addressing the
4 issues, requirements, and opportunities ex-
5 amined under clauses (i) and (ii)—

6 (I) within the existing regulatory
7 framework; or

8 (II) through a new rulemaking;

9 (v) identify how addressing the issues,
10 requirements, and opportunities examined
11 under clauses (i) and (ii) will impact op-
12 portunities for domestic nuclear manufac-
13 turing and construction developers; and

14 (vi) describe the extent to which Com-
15 mission action is needed to implement any
16 matter described in the report.

17 (B) COST ESTIMATES, BUDGETS, AND
18 TIMEFRAMES.—The report shall include cost es-
19 timates, proposed budgets, and proposed time-
20 frames for implementing risk-informed and per-
21 formance-based regulatory guidance for manu-
22 facturing and construction for nuclear energy
23 applications.

1 (p) NUCLEAR ENERGY TRAINEESHIP.—Section 313
2 of division C of the Omnibus Appropriations Act, 2009
3 (42 U.S.C. 16274a), is amended—

4 (1) in subsection (a), by striking “Nuclear Reg-
5 ulatory”;

6 (2) in subsection (b)(1), in the matter pre-
7 ceding subparagraph (A), by inserting “and sub-
8 section (c)” after “paragraph (2)”;

9 (3) in subsection (c)—

10 (A) by redesignating paragraph (2) as
11 paragraph (5); and

12 (B) by striking paragraph (1) and insert-
13 ing the following:

14 “(1) ADVANCED NUCLEAR REACTOR.—The
15 term ‘advanced nuclear reactor’ has the meaning
16 given the term in section 951(b) of the Energy Pol-
17 icy Act of 2005 (42 U.S.C. 16271(b)).

18 “(2) COMMISSION.—The term ‘Commission’
19 means the Nuclear Regulatory Commission.

20 “(3) INSTITUTION OF HIGHER EDUCATION.—
21 The term ‘institution of higher education’ has the
22 meaning given the term in section 2 of the Energy
23 Policy Act of 2005 (42 U.S.C. 15801).

24 “(4) NATIONAL LABORATORY.—The term ‘Na-
25 tional Laboratory’ has the meaning given the term

1 in section 951(b) of the Energy Policy Act of 2005
2 (42 U.S.C. 16271(b)).”;

3 (4) in subsection (d)(2), by striking “Nuclear
4 Regulatory”;

5 (5) by redesignating subsections (c) and (d) as
6 subsections (d) and (e), respectively; and

7 (6) by inserting after subsection (b) the fol-
8 lowing:

9 “(c) NUCLEAR ENERGY TRAINEESHIP SUBPRO-
10 GRAM.—

11 “(1) IN GENERAL.—The Commission shall es-
12 tablish, as a subprogram of the Program, a nuclear
13 energy traineeship subprogram under which the
14 Commission, in coordination with institutions of
15 higher education and trade schools, shall competi-
16 tively award traineeships that provide focused train-
17 ing to meet critical mission needs of the Commission
18 and nuclear workforce needs, including needs relat-
19 ing to the nuclear tradescraft workforce.

20 “(2) REQUIREMENTS.—In carrying out the nu-
21 clear energy traineeship subprogram described in
22 paragraph (1), the Commission shall—

23 “(A) coordinate with the Secretary of En-
24 ergy to prioritize the funding of traineeships
25 that focus on—

1 “(i) nuclear workforce needs; and

2 “(ii) critical mission needs of the
3 Commission;

4 “(B) encourage appropriate partnerships
5 among—

6 “(i) National Laboratories;

7 “(ii) institutions of higher education;

8 “(iii) trade schools;

9 “(iv) the nuclear energy industry; and

10 “(v) other entities, as the Commission
11 determines to be appropriate; and

12 “(C) on an annual basis, evaluate nuclear
13 workforce needs for the purpose of imple-
14 menting traineeships in focused topical areas
15 that—

16 “(i) address the workforce needs of
17 the nuclear energy community; and

18 “(ii) support critical mission needs of
19 the Commission.”.

20 (q) REPORT ON COMMISSION READINESS AND CA-
21 PACITY TO LICENSE ADDITIONAL CONVERSION AND EN-
22 RICHMENT CAPACITY TO REDUCE RELIANCE ON URA-
23 NIUM FROM RUSSIA.—

24 (1) IN GENERAL.—Not later than 180 days
25 after the date of enactment of this Act, the Commis-

1 sion shall submit to the appropriate committees of
2 Congress, the Committee on Foreign Relations of
3 the Senate, the Committee on Energy and Natural
4 Resources of the Senate, and the Committee on For-
5 eign Affairs of the House of Representatives a re-
6 port on the readiness and capacity of the Commis-
7 sion to license additional conversion and enrichment
8 capacity at existing and new fuel cycle facilities to
9 reduce reliance on nuclear fuel that is recovered,
10 converted, enriched, or fabricated by an entity
11 that—

12 (A) is owned or controlled by the Govern-
13 ment of the Russian Federation; or

14 (B) is organized under the laws of, or oth-
15 erwise subject to the jurisdiction of, the Rus-
16 sian Federation.

17 (2) CONTENTS.—The report required under
18 paragraph (1) shall analyze how the capacity of the
19 Commission to license additional conversion and en-
20 richment capacity at existing and new fuel cycle fa-
21 cilities may conflict with or restrict the readiness of
22 the Commission to review advanced nuclear reactor
23 applications.

1 (r) ANNUAL REPORT ON THE SPENT NUCLEAR FUEL
2 AND HIGH-LEVEL RADIOACTIVE WASTE INVENTORY IN
3 THE UNITED STATES.—

4 (1) DEFINITIONS.—In this subsection:

5 (A) HIGH-LEVEL RADIOACTIVE WASTE.—

6 The term “high-level radioactive waste” has the
7 meaning given the term in section 2 of the Nu-
8 clear Waste Policy Act of 1982 (42 U.S.C.
9 10101).

10 (B) SPENT NUCLEAR FUEL.—The term
11 “spent nuclear fuel” has the meaning given the
12 term in section 2 of the Nuclear Waste Policy
13 Act of 1982 (42 U.S.C. 10101).

14 (C) STANDARD CONTRACT.—The term
15 “standard contract” has the meaning given the
16 term “contract” in section 961.3 of title 10,
17 Code of Federal Regulations (or a successor
18 regulation).

19 (2) REPORT.—Not later than January 1, 2025,
20 and annually thereafter, the Secretary of Energy
21 shall submit to Congress a report that describes—

22 (A) the annual and cumulative amount of
23 payments made by the United States to the
24 holder of a standard contract due to a partial
25 breach of contract under the Nuclear Waste

1 Policy Act of 1982 (42 U.S.C. 10101 et seq.)
2 resulting in financial damages to the holder;

3 (B) the cumulative amount spent by the
4 Department of Energy since fiscal year 2008 to
5 reduce future payments projected to be made by
6 the United States to any holder of a standard
7 contract due to a partial breach of contract
8 under the Nuclear Waste Policy Act of 1982
9 (42 U.S.C. 10101 et seq.);

10 (C) the cumulative amount spent by the
11 Department of Energy to store, manage, and
12 dispose of spent nuclear fuel and high-level ra-
13 dioactive waste in the United States as of the
14 date of the report;

15 (D) the projected lifecycle costs to store,
16 manage, transport, and dispose of the projected
17 inventory of spent nuclear fuel and high-level
18 radioactive waste in the United States, includ-
19 ing spent nuclear fuel and high-level radioactive
20 waste expected to be generated from existing
21 reactors through 2050;

22 (E) any mechanisms for better accounting
23 of liabilities for the lifecycle costs of the spent
24 nuclear fuel and high-level radioactive waste in-
25 ventory in the United States;

1 (F) any recommendations for improving
2 the methods used by the Department of Energy
3 for the accounting of spent nuclear fuel and
4 high-level radioactive waste costs and liabilities;

5 (G) any actions taken in the previous fiscal
6 year by the Department of Energy with respect
7 to interim storage; and

8 (H) any activities taken in the previous fis-
9 cal year by the Department of Energy to de-
10 velop and deploy nuclear technologies and fuels
11 that enhance the safe transportation or storage
12 of spent nuclear fuel or high-level radioactive
13 waste, including technologies to protect against
14 seismic, flooding, and other extreme weather
15 events.

16 (s) AUTHORIZATION OF APPROPRIATIONS FOR
17 SUPERFUND ACTIONS AT ABANDONED MINING SITES ON
18 TRIBAL LAND.—

19 (1) DEFINITIONS.—In this subsection:

20 (A) ELIGIBLE NON-NPL SITE.—The term
21 “eligible non-NPL site” means a site—

22 (i) that is not on the National Prior-
23 ities List; but

24 (ii) with respect to which the Adminis-
25 trator determines that—

1 (I) the site would be eligible for
2 listing on the National Priorities List
3 based on the presence of hazards from
4 contamination at the site, applying
5 the hazard ranking system described
6 in section 105(c) of the Comprehen-
7 sive Environmental Response, Com-
8 pensation, and Liability Act of 1980
9 (42 U.S.C. 9605(c)); and

10 (II) for removal site evaluations,
11 engineering evaluations/cost analyses,
12 remedial planning activities, remedial
13 investigations and feasibility studies,
14 and other actions taken pursuant to
15 section 104(b) of that Act (42 U.S.C.
16 9604), the site—

17 (aa) has undergone a pre-
18 CERCLA screening; and

19 (bb) is included in the
20 Superfund Enterprise Manage-
21 ment System.

22 (B) INDIAN TRIBE.—The term “Indian
23 Tribe” has the meaning given the term in sec-
24 tion 4 of the Indian Self-Determination and
25 Education Assistance Act (25 U.S.C. 5304).

1 (C) NATIONAL PRIORITIES LIST.—The
2 term “National Priorities List” means the Na-
3 tional Priorities List developed by the President
4 in accordance with section 105(a)(8)(B) of the
5 Comprehensive Environmental Response, Com-
6 pensation, and Liability Act of 1980 (42 U.S.C.
7 9605(a)(8)(B)).

8 (D) REMEDIAL ACTION; REMOVAL; RE-
9 SPONSE.—The terms “remedial action”, “re-
10 moval”, and “response” have the meanings
11 given those terms in section 101 of the Com-
12 prehensive Environmental Response, Compensa-
13 tion, and Liability Act of 1980 (42 U.S.C.
14 9601).

15 (E) TRIBAL LAND.—The term “Tribal
16 land” has the meaning given the term “Indian
17 country” in section 1151 of title 18, United
18 States Code.

19 (2) AUTHORIZATION OF APPROPRIATIONS.—
20 There are authorized to be appropriated for each of
21 fiscal years 2023 through 2032, to remain available
22 until expended—

23 (A) \$97,000,000 to the Administrator to
24 carry out this subsection (except for paragraph
25 (4)); and

1 (B) \$3,000,000 to the Administrator of the
2 Agency for Toxic Substances and Disease Reg-
3 istry to carry out paragraph (4).

4 (3) USES OF AMOUNTS.—Amounts appropriated
5 under paragraph (2)(A) shall be used by the Admin-
6 istrator—

7 (A) to carry out removal actions on aban-
8 doned mine land located on Tribal land;

9 (B) to carry out response actions, includ-
10 ing removal and remedial planning activities,
11 removal and remedial studies, remedial actions,
12 and other actions taken pursuant to section
13 104(b) of the Comprehensive Environmental
14 Response, Compensation, and Liability Act of
15 1980 (42 U.S.C. 9604(b)) on abandoned mine
16 land located on Tribal land at—

17 (i) eligible non-NPL sites; and

18 (ii) sites listed on the National Prior-
19 ities List; and

20 (C) to make grants under paragraph (5).

21 (4) HEALTH ASSESSMENTS.—Subject to the
22 availability of appropriations, the Agency for Toxic
23 Substances and Disease Registry, in coordination
24 with Tribal health authorities, shall perform 1 or
25 more health assessments at each eligible non-NPL

1 site that is located on Tribal land, in accordance
2 with section 104(i)(6) of the Comprehensive Envi-
3 ronmental Response, Compensation, and Liability
4 Act of 1980 (42 U.S.C. 9604(i)(6)).

5 (5) TRIBAL GRANTS.—

6 (A) IN GENERAL.—The Administrator may
7 use amounts appropriated under paragraph
8 (2)(A) to make grants to eligible entities de-
9 scribed in subparagraph (B) for the purposes
10 described in subparagraph (C).

11 (B) ELIGIBLE ENTITIES DESCRIBED.—An
12 eligible entity referred to in subparagraph (A)
13 is—

14 (i) the governing body of an Indian
15 Tribe; or

16 (ii) a legally established organization
17 of Indians that—

18 (I) is controlled, sanctioned, or
19 chartered by the governing bodies of 2
20 or more Indian Tribes to be served, or
21 that is democratically elected by the
22 adult members of the Indian commu-
23 nity to be served, by that organiza-
24 tion; and

1 (II) includes the maximum par-
2 ticipation of Indians in all phases of
3 the activities of that organization.

4 (C) USE OF GRANT FUNDS.—A grant
5 under this paragraph shall be used—

6 (i) in accordance with the second sen-
7 tence of section 117(e)(1) of the Com-
8 prehensive Environmental Response, Com-
9 pensation, and Liability Act of 1980 (42
10 U.S.C. 9617(e)(1));

11 (ii) for obtaining technical assistance
12 in carrying out response actions under
13 clause (iii); or

14 (iii) for carrying out response actions,
15 if the Administrator determines that the
16 Indian Tribe has the capability to carry
17 out any or all of those response actions in
18 accordance with the criteria and priorities
19 established pursuant to section 105(a)(8)
20 of the Comprehensive Environmental Re-
21 sponse, Compensation, and Liability Act of
22 1980 (42 U.S.C. 9605(a)(8)).

23 (D) APPLICATIONS.—An eligible entity de-
24 siring a grant under this paragraph shall sub-
25 mit to the Administrator an application at such

1 time, in such manner, and containing such in-
2 formation as the Administrator may require.

3 (E) LIMITATIONS.—A grant under this
4 paragraph shall be governed by the rules, proce-
5 dures, and limitations described in section
6 117(e)(2) of the Comprehensive Environmental
7 Response, Compensation, and Liability Act of
8 1980 (42 U.S.C. 9617(e)(2)), except that—

9 (i) “Administrator of the Environ-
10 mental Protection Agency” shall be sub-
11 stituted for “President” each place it ap-
12 pears in that section; and

13 (ii) in the first sentence of that sec-
14 tion, “under subsection (s) of the AD-
15 VANCE Act of 2023” shall be substituted
16 for “under this subsection”.

17 (6) STATUTE OF LIMITATIONS.—If a remedial
18 action described in paragraph (3)(B) is scheduled at
19 an eligible non-NPL site, no action may be com-
20 menced for damages (as defined in section 101 of
21 the Comprehensive Environmental Response, Com-
22 pensation, and Liability Act of 1980 (42 U.S.C.
23 9601)) with respect to that eligible non-NPL site
24 unless the action is commenced within the timeframe
25 provided for such actions with respect to facilities on

1 the National Priorities List in the first sentence of
2 the matter following subparagraph (B) of section
3 113(g)(1) of that Act (42 U.S.C. 9613(g)(1)).

4 (7) COORDINATION.—The Administrator shall
5 coordinate with the Indian Tribe on whose land the
6 applicable site is located in—

7 (A) selecting and prioritizing sites for re-
8 sponse actions under subparagraphs (A) and
9 (B) of paragraph (3); and

10 (B) carrying out those response actions.

11 (t) DEVELOPMENT, QUALIFICATION, AND LICENSING
12 OF ADVANCED NUCLEAR FUEL CONCEPTS.—

13 (1) IN GENERAL.—The Commission shall estab-
14 lish an initiative to enhance preparedness and co-
15 ordination with respect to the qualification and li-
16 censing of advanced nuclear fuel.

17 (2) AGENCY COORDINATION.—Not later than
18 180 days after the date of enactment of this Act, the
19 Commission and the Secretary of Energy shall enter
20 into a memorandum of understanding—

21 (A) to share technical expertise and knowl-
22 edge through—

23 (i) enabling the testing and dem-
24 onstration of accident tolerant fuels for ex-
25 isting commercial nuclear reactors and ad-

1 vanced nuclear reactor fuel concepts to be
2 proposed and funded, in whole or in part,
3 by the private sector;

4 (ii) operating a database to store and
5 share data and knowledge relevant to nu-
6 clear science and engineering between Fed-
7 eral agencies and the private sector;

8 (iii) leveraging expertise with respect
9 to safety analysis and research relating to
10 advanced nuclear fuel; and

11 (iv) enabling technical staff to actively
12 observe and learn about technologies, with
13 an emphasis on identification of additional
14 information needed with respect to ad-
15 vanced nuclear fuel; and

16 (B) to ensure that—

17 (i) the Department of Energy has suf-
18 ficient technical expertise to support the
19 timely research, development, demonstra-
20 tion, and commercial application of ad-
21 vanced nuclear fuel;

22 (ii) the Commission has sufficient
23 technical expertise to support the evalua-
24 tion of applications for licenses, permits,
25 and design certifications and other re-

1 requests for regulatory approval for ad-
2 vanced nuclear fuel;

3 (iii)(I) the Department of Energy
4 maintains and develops the facilities nec-
5 essary to enable the timely research, devel-
6 opment, demonstration, and commercial
7 application by the civilian nuclear industry
8 of advanced nuclear fuel; and

9 (II) the Commission has access to the
10 facilities described in subclause (I), as
11 needed; and

12 (iv) the Commission consults, as ap-
13 propriate, with the modeling and simula-
14 tion experts at the Office of Nuclear En-
15 ergy of the Department of Energy, at the
16 National Laboratories, and within industry
17 fuel vendor teams in cooperative agree-
18 ments with the Department of Energy to
19 leverage physics-based computer modeling
20 and simulation capabilities.

21 (3) REPORT.—

22 (A) IN GENERAL.—Not later than 1 year
23 after the date of enactment of this Act, the
24 Commission shall submit to the appropriate
25 committees of Congress a report describing the

1 efforts of the Commission under paragraph (1),
2 including—

3 (i) an assessment of the preparedness
4 of the Commission to review and qualify
5 for use—

6 (I) accident tolerant fuel;

7 (II) ceramic cladding materials;

8 (III) fuels containing silicon car-
9 bide;

10 (IV) high-assay, low-enriched
11 uranium fuels;

12 (V) molten-salt based liquid
13 fuels;

14 (VI) fuels derived from spent nu-
15 clear fuel or depleted uranium; and

16 (VII) other related fuel concepts,
17 as determined by the Commission;

18 (ii) activities planned or undertaken
19 under the memorandum of understanding
20 described in paragraph (2);

21 (iii) an accounting of the areas of re-
22 search needed with respect to advanced nu-
23 clear fuel; and

24 (iv) any other challenges or consider-
25 ations identified by the Commission.

1 (B) CONSULTATION.—In developing the
2 report under subparagraph (A), the Commis-
3 sion shall seek input from—

- 4 (i) the Secretary of Energy;
5 (ii) National Laboratories;
6 (iii) the nuclear energy industry;
7 (iv) technology developers;
8 (v) nongovernmental organizations;

9 and

10 (vi) other public stakeholders.

11 (u) COMMISSION WORKFORCE.—

12 (1) DEFINITION OF CHAIRMAN.—In this sub-
13 section, the term “Chairman” means the Chairman
14 of the Commission.

15 (2) HIRING BONUS AND APPOINTMENT AU-
16 THORITY.—

17 (A) IN GENERAL.—Notwithstanding sec-
18 tion 161 d. of the Atomic Energy Act of 1954
19 (42 U.S.C. 2201(d)), any provision of Reorga-
20 nization Plan No. 1 of 1980 (94 Stat. 3585; 5
21 U.S.C. app.), and any provision of title 5,
22 United States Code, governing appointments
23 and General Schedule classification and pay
24 rates, the Chairman may, subject to the limita-

1 tions described in subparagraph (C), and with-
2 out regard to the civil service laws—

3 (i) establish the positions described in
4 subparagraph (B); and

5 (ii) appoint persons to the positions
6 established under clause (i).

7 (B) POSITIONS DESCRIBED.—The posi-
8 tions referred to in subparagraph (A)(i) are—

9 (i) permanent or term-limited posi-
10 tions with highly specialized scientific, en-
11 gineering, and technical competencies to
12 address a critical licensing or regulatory
13 oversight need for the Commission, includ-
14 ing—

15 (I) health physicist;

16 (II) reactor operations engineer;

17 (III) human factors analyst or
18 engineer;

19 (IV) risk and reliability analyst
20 or engineer;

21 (V) licensing project manager;

22 (VI) reactor engineer for severe
23 accidents;

24 (VII) geotechnical engineer;

25 (VIII) structural engineer;

65

- 1 (IX) reactor systems engineer;
- 2 (X) reactor engineer;
- 3 (XI) radiation scientist;
- 4 (XII) seismic engineer; and
- 5 (XIII) electronics engineer; or

6 (ii) permanent or term-limited posi-
7 tions to be filled by exceptionally well-
8 qualified individuals that the Chairman,
9 subject to paragraph (5), determines are
10 necessary to fulfill the mission of the Com-
11 mission.

12 (C) LIMITATIONS.—

13 (i) IN GENERAL.—Appointments
14 under subparagraph (A)(ii) may be made
15 to not more than—

16 (I)(aa) 15 permanent positions
17 described in subparagraph (B)(i) dur-
18 ing fiscal year 2024; and

19 (bb) 10 permanent positions de-
20 scribed in subparagraph (B)(i) during
21 each fiscal year thereafter;

22 (II)(aa) 15 term-limited positions
23 described in subparagraph (B)(i) dur-
24 ing fiscal year 2024; and

1 (bb) 10 term-limited positions de-
2 scribed in subparagraph (B)(i) during
3 each fiscal year thereafter;

4 (III)(aa) 15 permanent positions
5 described in subparagraph (B)(ii) dur-
6 ing fiscal year 2024; and

7 (bb) 10 permanent positions de-
8 scribed in subparagraph (B)(ii) during
9 each fiscal year thereafter; and

10 (IV)(aa) 15 term-limited posi-
11 tions described in subparagraph
12 (B)(ii) during fiscal year 2024; and

13 (bb) 10 term-limited positions de-
14 scribed in subparagraph (B)(ii) during
15 each fiscal year thereafter.

16 (ii) TERM OF TERM-LIMITED AP-
17 POINTMENT.—If a person is appointed to a
18 term-limited position described in clause (i)
19 or (ii) of subparagraph (B), the term of
20 that appointment shall not exceed 4 years.

21 (iii) STAFF POSITIONS.—Subject to
22 paragraph (5), appointments made to posi-
23 tions established under this paragraph
24 shall be to a range of staff positions that

1 are of entry, mid, and senior levels, to the
2 extent practicable.

3 (D) HIRING BONUS.—The Commission
4 may pay a person appointed under subpara-
5 graph (A) a 1-time hiring bonus in an amount
6 not to exceed the least of—

7 (i) \$25,000;

8 (ii) the amount equal to 15 percent of
9 the annual rate of basic pay of the em-
10 ployee; and

11 (iii) the amount of the limitation that
12 is applicable for a calendar year under sec-
13 tion 5307(a)(1) of title 5, United States
14 Code.

15 (3) COMPENSATION AND APPOINTMENT AU-
16 THORITY.—

17 (A) IN GENERAL.—Notwithstanding sec-
18 tion 161 d. of the Atomic Energy Act of 1954
19 (42 U.S.C. 2201(d)), any provision of Reorga-
20 nization Plan No. 1 of 1980 (94 Stat. 3585; 5
21 U.S.C. app.), and chapter 51, and subchapter
22 III of chapter 53, of title 5, United States
23 Code, the Chairman, subject to the limitations
24 described in subparagraph (C) and without re-
25 gard to the civil service laws, may—

1 (i) establish and fix the rates of basic
2 pay for the positions described in subpara-
3 graph (B); and

4 (ii) appoint persons to the positions
5 established under clause (i).

6 (B) POSITIONS DESCRIBED.—The posi-
7 tions referred to in subparagraph (A)(i) are—

8 (i) positions with highly specialized
9 scientific, engineering, and technical com-
10 petencies to address a critical need for the
11 Commission, including—

12 (I) health physicist;

13 (II) reactor operations engineer;

14 (III) human factors analyst or
15 engineer;

16 (IV) risk and reliability analyst
17 or engineer;

18 (V) licensing project manager;

19 (VI) reactor engineer for severe
20 accidents;

21 (VII) geotechnical engineer;

22 (VIII) structural engineer;

23 (IX) reactor systems engineer;

24 (X) reactor engineer;

25 (XI) radiation scientist;

1 (XII) seismic engineer; and

2 (XIII) electronics engineer; or

3 (ii) positions to be filled by exception-
4 ally well-qualified persons that the Chair-
5 man, subject to paragraph (5), determines
6 are necessary to fulfill the mission of the
7 Commission.

8 (C) LIMITATIONS.—

9 (i) IN GENERAL.—The annual rate of
10 basic pay for a position described in sub-
11 paragraph (B) may not exceed the per
12 annum rate of salary payable for level III
13 of the Executive Schedule under section
14 5314 of title 5, United States Code.

15 (ii) NUMBER OF POSITIONS.—Ap-
16 pointments under subparagraph (A)(ii)
17 may be made to not more than—

18 (I) 10 positions described in sub-
19 paragraph (B)(i) per fiscal year, not
20 to exceed a total of 50 positions; and

21 (II) 10 positions described in
22 subparagraph (B)(ii) per fiscal year,
23 not to exceed a total of 50 positions.

24 (D) PERFORMANCE BONUS.—

1 (i) IN GENERAL.—Subject to clauses
2 (ii) and (iii), an employee may be paid a
3 1-time performance bonus in an amount
4 not to exceed the least of—

5 (I) \$25,000;

6 (II) the amount equal to 15 per-
7 cent of the annual rate of basic pay of
8 the person; and

9 (III) the amount of the limitation
10 that is applicable for a calendar year
11 under section 5307(a)(1) of title 5,
12 United States Code.

13 (ii) PERFORMANCE.—Any 1-time per-
14 formance bonus under clause (i) shall be
15 made to a person who demonstrated excep-
16 tional performance in the applicable fiscal
17 year, including—

18 (I) leading a project team in a
19 timely, efficient, and predictable li-
20 censing review to enable the safe use
21 of nuclear technology;

22 (II) making significant contribu-
23 tions to a timely, efficient, and pre-
24 dictable licensing review to enable the
25 safe use of nuclear technology;

1 (III) the resolution of novel or
2 first-of-a-kind regulatory issues;

3 (IV) developing or implementing
4 licensing or regulatory oversight proc-
5 esses to improve the effectiveness of
6 the Commission; and

7 (V) other performance, as deter-
8 mined by the Chairman, subject to
9 paragraph (5).

10 (iii) LIMITATIONS.—The Commission
11 may pay a 1-time performance bonus
12 under clause (i) for not more than 15 per-
13 sons per fiscal year, and a person who re-
14 ceives a 1-time performance bonus under
15 that clause may not receive another 1-time
16 performance bonus under that clause for a
17 period of 5 years thereafter.

18 (4) ANNUAL SOLICITATION FOR NUCLEAR REG-
19 ULATOR APPRENTICESHIP NETWORK APPLICA-
20 TIONS.—The Chairman, on an annual basis, shall
21 solicit applications for the Nuclear Regulator Ap-
22 prenticeship Network.

23 (5) APPLICATION OF MERIT SYSTEM PRIN-
24 CIPLES.—To the maximum extent practicable, ap-
25 pointments under paragraphs (2)(A) and (3)(A) and

1 any 1-time performance bonus under paragraph
2 (3)(D) shall be made in accordance with the merit
3 system principles set forth in section 2301 of title 5,
4 United States Code.

5 (6) DELEGATION.—Pursuant to Reorganization
6 Plan No. 1 of 1980 (94 Stat. 3585; 5 U.S.C. app.),
7 the Chairman shall delegate, subject to the direction
8 and supervision of the Chairman, the authority pro-
9 vided by paragraphs (2), (3), and (4) to the Execu-
10 tive Director for Operations of the Commission.

11 (7) ANNUAL REPORT.—The Commission shall
12 include in the annual budget justification of the
13 Commission—

14 (A) information that describes—

15 (i) the total number of and the posi-
16 tions of the persons appointed under the
17 authority provided by paragraph (2);

18 (ii) the total number of and the posi-
19 tions of the persons paid at the rate deter-
20 mined under the authority provided by
21 paragraph (3)(A);

22 (iii) the total number of and the posi-
23 tions of the persons paid a 1-time perform-
24 ance bonus under the authority provided
25 by paragraph (3)(D);

1 (iv) how the authority provided by
2 paragraphs (2) and (3) is being used, and
3 has been used during the previous fiscal
4 year, to address the hiring and retention
5 needs of the Commission with respect to
6 the positions described in those subsections
7 to which that authority is applicable;

8 (v) if the authority provided by para-
9 graphs (2) and (3) is not being used, or
10 has not been used, the reasons, including
11 a justification, for not using that author-
12 ity; and

13 (vi) the attrition levels with respect to
14 the term-limited appointments made under
15 paragraph (2), including, with respect to
16 persons leaving a position before comple-
17 tion of the applicable term of service, the
18 average length of service as a percentage
19 of the term of service;

20 (B) an assessment of—

21 (i) the current critical workforce needs
22 of the Commission, including any critical
23 workforce needs that the Commission an-
24 ticipates in the subsequent 5 fiscal years;
25 and

1 (ii) further skillsets that are or will be
2 needed for the Commission to fulfill the li-
3 censing and oversight responsibilities of
4 the Commission; and

5 (C) the plans of the Commission to assess,
6 develop, and implement updated staff perform-
7 ance standards, training procedures, and sched-
8 ules.

9 (8) REPORT ON ATTRITION AND EFFECTIVE-
10 NESS.—Not later than September 30, 2032, the
11 Commission shall submit to the Committees on Ap-
12 propriations and Environment and Public Works of
13 the Senate and the Committees on Appropriations
14 and Energy and Commerce of the House of Rep-
15 resentatives a report that—

16 (A) describes the attrition levels with re-
17 spect to the term-limited appointments made
18 under paragraph (2), including, with respect to
19 persons leaving a position before completion of
20 the applicable term of service, the average
21 length of service as a percentage of the term of
22 service;

23 (B) provides the views of the Commission
24 on the effectiveness of the authorities provided
25 by paragraphs (2) and (3) in helping the Com-

1 mission fulfill the mission of the Commission;
2 and

3 (C) makes recommendations with respect
4 to whether the authorities provided by para-
5 graphs (2) and (3) should be continued, modi-
6 fied, or discontinued.

7 (v) COMMISSION CORPORATE SUPPORT FUNDING.—

8 (1) REPORT.—Not later than 3 years after the
9 date of enactment of this Act, the Commission shall
10 submit to the appropriate committees of Congress
11 and make publicly available a report that de-
12 scribes—

13 (A) the progress on the implementation of
14 section 102(a)(3) of the Nuclear Energy Inno-
15 vation and Modernization Act (42 U.S.C.
16 2215(a)(3)); and

17 (B) whether the Commission is meeting
18 and is expected to meet the total budget au-
19 thority caps required for corporate support
20 under that section.

21 (2) LIMITATION ON CORPORATE SUPPORT
22 COSTS.—Section 102(a)(3) of the Nuclear Energy
23 Innovation and Modernization Act (42 U.S.C.
24 2215(a)(3)) is amended by striking subparagraphs
25 (B) and (C) and inserting the following:

1 “(B) 30 percent for fiscal year 2024 and
2 each fiscal year thereafter.”.

3 (3) CORPORATE SUPPORT COSTS CLARIFICA-
4 TION.—Paragraph (9) of section 3 of the Nuclear
5 Energy Innovation and Modernization Act (42
6 U.S.C. 2215 note; Public Law 115–439) (as redesign-
7 nated by subsection (f)(1)(A)) is amended—

8 (A) by striking “The term” and inserting
9 the following:

10 “(A) IN GENERAL.—The term”; and

11 (B) by adding at the end the following:

12 “(B) EXCLUSIONS.—The term ‘corporate
13 support costs’ does not include—

14 “(i) costs for rent and utilities relat-
15 ing to any and all space in the Three
16 White Flint North building that is not oc-
17 cupied by the Commission; or

18 “(ii) costs for salaries, travel, and
19 other support for the Office of the Com-
20 mission.”.

21 (w) PERFORMANCE AND REPORTING UPDATE.—Sec-
22 tion 102(c) of the Nuclear Energy Innovation and Mod-
23 ernization Act (42 U.S.C. 2215(c)) is amended—

24 (1) in paragraph (3)—

1 (A) in the paragraph heading, by striking
2 “180” and inserting “90”; and

3 (B) by striking “180” and inserting “90”;
4 and

5 (2) by adding at the end the following:

6 “(4) PERIODIC UPDATES TO METRICS AND
7 SCHEDULES.—

8 “(A) REVIEW AND ASSESSMENT.—Not less
9 frequently than once every 3 years, the Com-
10 mission shall review and assess, based on the li-
11 censing and regulatory activities of the Com-
12 mission, the performance metrics and milestone
13 schedules established under paragraph (1).

14 “(B) REVISIONS.—After each review and
15 assessment under subparagraph (A), the Com-
16 mission shall revise and improve, as appro-
17 priate, the performance metrics and milestone
18 schedules described in that subparagraph to
19 provide the most efficient metrics and schedules
20 reasonably achievable.”.

21 (x) NUCLEAR CLOSURE COMMUNITIES.—

22 (1) DEFINITIONS.—In this subsection:

23 (A) COMMUNITY ADVISORY BOARD.—The
24 term “community advisory board” means a
25 community committee or other advisory organi-

1 zation that aims to foster communication and
2 information exchange between a licensee plan-
3 ning for and involved in decommissioning activi-
4 ties and members of the community that de-
5 commissioning activities may affect.

6 (B) DECOMMISSION.—The term “decom-
7 mission” has the meaning given the term in
8 section 50.2 of title 10, Code of Federal Regu-
9 lations (or successor regulations).

10 (C) ELIGIBLE RECIPIENT.—The term “eli-
11 gible recipient” has the meaning given the term
12 in section 3 of the Public Works and Economic
13 Development Act of 1965 (42 U.S.C. 3122).

14 (D) LICENSEE.—The term “licensee” has
15 the meaning given the term in section 50.2 of
16 title 10, Code of Federal Regulations (or suc-
17 cessor regulations).

18 (E) NUCLEAR CLOSURE COMMUNITY.—The
19 term “nuclear closure community” means a
20 unit of local government, including a county,
21 city, town, village, school district, or special dis-
22 trict, that has been impacted, or reasonably
23 demonstrates to the satisfaction of the Sec-
24 retary that it will be impacted, by a nuclear
25 power plant licensed by the Commission that—

1 (i) is not co-located with an operating
2 nuclear power plant;

3 (ii) is at a site with spent nuclear
4 fuel; and

5 (iii) as of the date of enactment of
6 this Act—

7 (I) has ceased operations; or

8 (II) has provided a written notifi-
9 cation to the Commission that it will
10 cease operations.

11 (F) SECRETARY.—The term “Secretary”
12 means the Secretary of Commerce, acting
13 through the Assistant Secretary of Commerce
14 for Economic Development.

15 (2) ESTABLISHMENT.—Not later than 180 days
16 after the date of enactment of this Act, the Sec-
17 retary shall establish a grant program to provide
18 grants to eligible recipients—

19 (A) to assist with economic development in
20 nuclear closure communities; and

21 (B) to fund community advisory boards in
22 nuclear closure communities.

23 (3) REQUIREMENT.—In carrying out this sub-
24 section, to the maximum extent practicable, the Sec-
25 retary shall implement the recommendations de-

1 scribed in the report submitted to Congress under
2 section 108 of the Nuclear Energy Innovation and
3 Modernization Act (Public Law 115–439; 132 Stat.
4 5577) entitled “Best Practices for Establishment
5 and Operation of Local Community Advisory Boards
6 Associated with Decommissioning Activities at Nu-
7 clear Power Plants”.

8 (4) DISTRIBUTION OF FUNDS.—The Secretary
9 shall establish a formula to ensure, to the maximum
10 extent practicable, geographic diversity among grant
11 recipients under this subsection.

12 (5) AUTHORIZATION OF APPROPRIATIONS.—

13 (A) IN GENERAL.—There are authorized to
14 be appropriated to the Secretary—

15 (i) to carry out paragraph (2)(A),
16 \$35,000,000 for each of fiscal years 2023
17 through 2028; and

18 (ii) to carry out paragraph (2)(B),
19 \$5,000,000 for each of fiscal years 2023
20 through 2025.

21 (B) AVAILABILITY.—Amounts made avail-
22 able under this subsection shall remain avail-
23 able for a period of 5 years beginning on the
24 date on which the amounts are made available.

1 (C) NO OFFSET.—None of the funds made
2 available under this subsection may be used to
3 offset the funding for any other Federal pro-
4 gram.

5 (y) TECHNICAL CORRECTION.—Section 104 c. of the
6 Atomic Energy Act of 1954 (42 U.S.C. 2134(c)) is amend-
7 ed—

8 (1) by striking the third sentence and inserting
9 the following:

10 “(3) LIMITATION ON UTILIZATION FACILI-
11 TIES.—The Commission may issue a license under
12 this section for a utilization facility useful in the
13 conduct of research and development activities of the
14 types specified in section 31 if—

15 “(A) not more than 75 percent of the an-
16 nual costs to the licensee of owning and oper-
17 ating the facility are devoted to the sale, other
18 than for research and development or education
19 and training, of—

20 “(i) nonenergy services;

21 “(ii) energy; or

22 “(iii) a combination of nonenergy
23 services and energy; and

24 “(B) not more than 50 percent of the an-
25 nual costs to the licensee of owning and oper-

1 ating the facility are devoted to the sale of en-
2 ergy.”;

3 (2) in the second sentence, by striking “The
4 Commission” and inserting the following:

5 “(2) REGULATION.—The Commission”; and

6 (3) by striking “e. The Commission” and in-
7 serting the following:

8 “e. RESEARCH AND DEVELOPMENT ACTIVITIES.—

9 “(1) IN GENERAL.—Subject to paragraphs (2)
10 and (3), the Commission”.

11 (z) REPORT ON ENGAGEMENT WITH THE GOVERN-
12 MENT OF CANADA WITH RESPECT TO NUCLEAR WASTE
13 ISSUES IN THE GREAT LAKES BASIN.—Not later than 1
14 year after the date of enactment of this Act, the Commis-
15 sion shall submit to the appropriate committees of Con-
16 gress, the Committee on Foreign Relations of the Senate,
17 the Committee on Energy and Natural Resources of the
18 Senate, and the Committee on Foreign Affairs of the
19 House of Representatives a report describing any engage-
20 ment between the Commission and the Government of
21 Canada with respect to nuclear waste issues in the Great
22 Lakes Basin.

23 (aa) SAVINGS CLAUSE.—Nothing in this section af-
24 fects authorities of the Department of State.